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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,304	06/08/2006	Spiros Gratsias	011348-0021-999	5133
20583	7590	09/29/2010	EXAMINER	
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			PAYER, HWEI SIU CHOU	
			ART UNIT	PAPER NUMBER
			3724	
			MAIL DATE	DELIVERY MODE
			09/29/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,304	<b>Applicant(s)</b> GRATSIAS ET AL.	
	<b>Examiner</b> HWEI-SIU C. PAYER	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **Detailed Action**

### **Continued Examination Under 37 CFR 1.114**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicants' submission filed on August 6, 2010 has been entered.

### **Claims Objection**

Claims 15-22 (first occurrence) are objected to because they are misnumbered. Claims 15-22 (first occurrence) have been renumbered as claims 14-21, respectively.

### **Claims Rejection – 35 U.S.C. 103(a)**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 14-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schachter (U.S. Patent No. 4,998,347) in view of King et al. (U.S. Patent No. 6,167,625) and Brown, Jr. et al. (U.S. Patent Application Publication No. 2003/0208907).

Schachter shows a shaving system (10) comprising at least one blade (14), a platform (16) and a stainless steel guard bar (12, see column 5, lines 22-23) in the shape of a longitudinal body with a substantially circular cross-section (see Fig.1) and having two ends (see Fig.4, not labeled) and positioned forward of the at least one blade (14) and parallel to the blade cutting edge (see Fig.1), wherein an elongated space (28, Figs.1 and 4) is provided between the guard bar (12) and the platform (16), wherein the guard bar (12) is preformed before assembling to the platform (see column 2, lines 42-52) substantially as claimed except the guard bar (12) is not of the claimed type such that it is parallel to the blade cutting edge “along its entire length”, and Schachter does not explicitly mention the guard bar (12) is assembled onto the platform (16) by molding process.

However, it is well known in the shaving art to have the guard bar of a wet shaver parallel to the blade cutting edge along its entire length as evidenced by King et al. (see Fig.1, guard bar 11 parallel to blade cutting edge 12/14 along its entire length).

Therefore, it would have been obvious to one skilled in the art at the time this invention was made to modify Schachter by having the guard bar (12) of the

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type that is parallel to the blade cutting edge along its entire length for the predictable result of gliding the shaver along a skin during shaving operation.

Also, Brown et al. teach assembling two elements (in this case, a blade and a razor housing) by having at least part of one element (i.e. razor housing 16) overmolded two end portions of the other element (i.e. blade 18) to secure the two elements (16,18) together by only the end portions of the other element (blade 18, see Fig.5 and lines 2-3 of the abstract). This is done by positioning the other element (blade 18) in a mold cavity (112) and molding at least part of the one element (housing 16) by injecting plastic in the mold cavity (112), and wherein the at least part of the one element (housing 16) is molded over the two end portions of the other element (18) during the molding process.

In view of this teaching, it would have been obvious to one skilled in the art to further modify Schachter by assembling the guard bar (12) and the platform (16) together by means of a commercially available method such as the injection molding of Brown, Jr. et al. to facilitate quick and massive production.

Regarding claims 18, 24 and 31, while Schachter does not explicitly mention the guard bar (12) being made of wood, however, the claimed wood material is not patentably distinct over Schachter, since applicants have not specifically pointed out the criticality of using the claimed wood material for the guard bar, but have disclosed it as an example of various materials that may be used. Further, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

## Remarks

Applicant's arguments filed 8/6/2010 have been fully considered but they are not persuasive.

Applicants argue, at pages 6-7 of the amendment, Schachter '347 is an improvement of U.S. patent No. 4,502,217 which shows attaching a guard bar (6) to a base part (1) by inserting legs (10) of the guard bar (6) into recesses formed in the base part (1). Applicants also argue, at page 8 of the amendment, there is no motivation to combine the teachings of the Schachter patent with Brown because the teachings of the '217 patent and hence, the Schachter '347 patent, are complete for their intended purpose, and thus, a person of skilled in the art would have no motivation to use a secondary reference, e.g. Brown, to modify the teachings of the Schachter '348 reference.

In response, under the well-known teaching-suggestion-motivation (TSM) test, a claimed invention is obvious when there is a teaching, suggestion or motivation to combine prior art teachings. In the present case, Brown clearly teaches assembling two elements together by molding (i.e. a blade and a razor housing) for the advantages of relatively low production cost (see paragraph [0008], lines 1-3), reducing product inconsistency (see paragraph [0008], lines 4-5), and simplifying production by eliminating mechanical fastenings (see paragraph [0009], lines 9-12). Thus, it would have been obvious to one skilled in the art to modify Schachter '347 by assembling the guard bar (12) and the

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platform (16) together by means of a commercially available method such as the injection molding of Brown, Jr. et al. for the advantages set forth.

Furthermore, according to the Supreme Court, the TSM test is one of a number of valid rationales that could be used to determine obviousness. It is not the only rationale that may be relied upon to support a conclusion of obviousness. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, identified a number of rationales to support a conclusion of obviousness which are consistent with the proper "functional approach" to the determination of obviousness as laid down in *Graham*. One of exemplary rationales is "use of known technique to improve similar devices (methods, or products) in the same way. See MPEP 2143. In the present case, Brown clearly teaches the advantage of molding over mechanism fasteners. Thus, to use a known technology such as Brown's molding process for assembling Schachter's guard onto the platform for the advantages of relatively low production cost, reducing product inconsistency, and simplifying production by eliminating mechanical fastenings would have been obvious to one skilled in the art.

### **Action Made Final**

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a

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request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H Payer  
May 4, 2010

/Hwei-Siu C. Payer/  
Primary Examiner, Art Unit 3724